

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-11, and 13-16, are rejected under 35 U.S.C. 102(b) as being anticipated by the submitted prior art of Okada et al (EP 0847196).

Okada et al discloses a video/audio recording/reproducing apparatus that shows all the limitations recited in claims 1, 3, 8, and 13, including the feature of the first and second recording areas for recording information and management information respectively (See Okada et al's column 23, line 42, to page 24, line 34), the feature of recording bit rate in the second recording area as specified in the present claims 1, 3, 8, and 13. (See Okada et al's page 24, lines 53-58, and column 51, lines 27-33).

With regard to claims 2, 4, 9, and 14, the feature of the recording information includes at least a video and an audio data and the bit rate being the bit rate of the audio data as specified thereof is present in Okada et al's. (See Okada et al's page 51, line 33).

With regard to claims 5, 10, and 15, the feature of the first and second recording areas for recording information and management information respectively and the feature of recording bit rate in the second recording area as specified thereof is present

in Okada. (See Okada et al's column 23, line 42, to page 24, line 34, and Okada et al's page 24, lines 53-58, and column 51, lines 27-33).

With regard to claims 6, 11, and 16, the reproduction feature recited thereof is present in Okada et al. (See Okada et al's Figures 26, and 35).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-6, 8, 10-11, 13, and 15-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Arai et al.

Arai et al discloses an image recording/reproducing apparatus that shows all the limitations recited in claims 1, 3, 8, and 13, including the feature of the first and second recording areas for recording information and management information respectively (See Arai et al's Figure 3, components card control area, and data storage area), the feature of recording bit rate in the second recording area as specified in the present claims 1, 3, 8, and 13. (See Arai et al's claim 9).

With regard to claims 5, 10, and 15, the feature of the first and second recording areas for recording information and management information respectively and the feature of recording bit rate in the second recording area as specified thereof is present in Arai et al. (See Arai et al's Figure 3, components card control area, and data storage area and see Arai et al's claim 9).

With regard to claims 6, 11, and 16, the reproduction feature recited thereof is present in Arai et al. (See Arai et al's Figure 3).

4. Claims 7, 12, and 17, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maruyama et al discloses a video/audio recording/reproducing apparatus.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

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Art Unit: 2621

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Primary Examiner, Art Unit 2621

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